

REMARKS

Claims 1-55 were pending in the original application. Claims 21 and 52-55 are withdrawn as being drawn to a non-elected invention. By this amendment, claims 2, 3, and 22-24 have been cancelled and claims 1, 9-13, 18-20, 26, 29-30, 32-33 and 38-51 have been amended. Support for these amendments can be found throughout the specification and claims originally filed. No new matter has been added. Upon entry of the amendments, claims 1, 4-20, and 25-51 remain pending.

The title has been amended to reflect the subject matter of the amended claims.

The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the objection and rejections in view of the amendments and remarks as set forth herein below.

I. OBJECTIONS TO THE CLAIMS

Claims 11, 18 and 38 stand objected to as being of improper dependent form. The Applicant has amended claims 11, 18 and 38 to render these to have proper dependent form.

Furthermore, claim 19 stands objected to because of typographical error. The Applicant has amended claim 19.

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

II. REJECTION UNDER 35 U.S.C. § 112

Claims 1, 2, 4-11, 15-20, 22, 23, 25-31, 35-42 and 46-50 stand rejected under § 112. The Examiner takes the position that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Applicant respectfully disagrees with the position that the claims as written are not enabled under § 112 and reserves the right to pursue those claims in continuing prosecutions. However, to expedite prosecution of the current case, Applicant has cancelled claims 2-3 and 21-24 and amended claims 1, 9-13, 18-20, 26, 29-30, 32-33 and 38-51. Specifically, claims 1, 20 and 40 have been rewritten to include the limitation of a poliovirus. In addition, claims 9, 10, 12, 13, 26, 29, 30, 32, 33, 40 and 51 have been rewritten to have correct claim dependency, given the cancellation of claims 2 and 3. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

III. REJECTIONS UNDER 35 U.S.C. § 102/103

The Examiner rejected claims 1-20 and 22-51 under 35 U.S.C. § 102(a) as anticipated by Lee et al. This rejection is respectfully traversed for the reasons discussed below.

The cited reference, Lee et al., is unavailable as prior art if Applicant establishes the claims are entitled to the filing date (February 8, 2001) of the Korean priority document. Applicant encloses with this reply a certified translation of the Korean priority document together with a verification of accuracy. Applicant believes this is sufficient to establish a priority date under 35 U.S.C. § 119(b)(3), which date is earlier than the date of the reference. For this reason, Applicant respectfully requests rejection over Lee et al. be withdrawn.

Claims 1, 4, 9, 15, 15 and 18 stand rejected under 35 § U.S.C. 102(e) as being anticipated by Parrington. Applicant respectfully traverses the rejection as applied to the amended claims and request consideration.

Applicant has amended claim 1 to recite a poliovirus. Because the reference does not disclose a poliovirus, rejection under § 102 is improper. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Claims 1, 2, 4-7, 9, 15 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Parrington in view of Mason et al. Applicant respectfully traverses the rejection as applied to the amended claims and request reconsideration.

A prima facie case of obviousness of claims in view of two or more references may be overcome by a showing of unexpected results, which showing is taken as proof the invention would not have been obvious to one of skill in the art when the invention was made. To overcome the prima facie case, the showing must be commensurate in scope with the claims.

Applicant has amended claims 1, 20 and 40 to recite a poliovirus. As stated in the Office Action on page 7, Applicant has shown unexpected stabilization of a poliovirus. Applicant respectfully submits that the claims as amended are patentable over the cited references, because the showing of unexpected results is commensurate in scope with the amended claims. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

In summary, claims 2-3, 21-24 and 52-55 have been cancelled and claims 1, 9-13, 18-20, 26, 29-30, 32-33 and 38-51 have been properly amended. In view of the foregoing amendments and remarks, the Applicant respectfully requests the reconsideration and reexamination of this invention and the timely allowance of the pending claims.

If the Examiner believes for any reasons that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248)641-1600.

Respectfully submitted,

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